

(4) If a Federal agency denies a waiver under this subsection, the agency shall provide a written statement to the requesting Economic Development Commission that—

(A) explains the reasons the the waiver substantially endangers health or safety; and

(B) provides a scientific basis in writing for such determination.

(f) **AUTOMATIC WAIVER.**—If a Federal agency does not provide the written notice require under subsection (e) within the 120-day period as required under such subsection, the waiver shall be deemed to be granted by the federal agency.

(g) **LIMITATION.**—No provision of this Act shall be constructed to authorize any Federal agency to waive any regulation or Executive order that prohibits, or the purpose of which is to protect persons against, discrimination on the basis of race, color, relation, gender, or national origin.

(h) **APPLICABLE PROCEDURES.**—A waiver of a regulation under subsection (e) shall not be considered to be a rule, rulemaking, or regulation under chapter 5 of title 5, United States Code. The Federal agency shall publish a notice in the Federal Register stating any waiver of a regulation under this section.

(i) **EFFECT OR SUBSEQUENT AMENDMENT OF REGULATIONS.**—If a Federal agency amends a regulation for which a waiver under this section is in effect, the agency shall not change the waiver to impose additional requirements.

(j) **EXPIRATION OF WAIVERS.**—No waiver of a regulation under this section shall expire unless the Federal agency determines that a continuation of the waiver substantially endangers health or safety.

SEC. 208. DEFINITIONS.

For purposes of this Act, the term—

(1) “regulation” means—

(A) any rule as defined under section 551(4) of title 5, United States Code; or

(B) any rulemaking conducted on the record after opportunity for an agency hearing under sections 556 and 557 of such title;

(2) “Urban Regulatory Relief Zone” means an area designated under section 205;

(3) “qualifying city” means a city which is eligible to establish an Economic Development Commission under section 204;

(4) “industrial or commercial area” means any part of a census tract zoned for industrial or commercial use which is adjacent to a census tract which is a distressed area pursuant to section 205(b); and

(5) “poverty line” has the same meaning as such term is defined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).”.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that the vote occur on the Glenn amendment at 2:15 p.m. on Tuesday, July 18, and immediately following that vote, the Senate proceed to vote on the motion to invoke cloture on the Dole-Johnston substitute, with mandatory quorum under rule XXII being waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I further ask unanimous consent that if the Glenn substitute is agreed to, it be considered original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Finally, I ask unanimous consent that the first vote at 2:15 p.m. be the standard 15-minute vote, and the second vote in the voting se-

quence be limited to 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. HATCH. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Dole-Johnston substitute amendment to S. 343, the regulatory reform bill.

Bob Dole, Christopher S. Bond, Bill Roth, Frank H. Murkowski, Rod Grams, John Ashcroft, Spencer Abraham, Craig Thomas, Pete V. Domenici, Bill Frist, Fred Thompson, Mike DeWine, Thad Cochran, Larry E. Craig, Bob Smith, Chuck Grassley.

MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees and a withdrawal.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1179. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual animal welfare enforcement report for fiscal year 1994; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1180. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to authorize the Secretary of Agriculture to expand and streamline a Distance Learning and Telemedicine Program by providing for loans and grants and to authorize appropriations for business telecommunication partnerships; to the

Committee on Agriculture, Nutrition, and Forestry.

EC-1181. A communication from the general counsel of the Department of Defense, transmitting a draft of proposed legislation to designate defense acquisition pilot programs in accordance with the National Defense Authorization Act for fiscal year 1991 and for other purposes; to the Committee on Armed Services.

EC-1182. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on specialized government securities brokers and dealers; to the Committee on Banking, Housing, and Urban Affairs.

EC-1183. A communication from the president and chairman of the Export-Import Bank, transmitting, pursuant to law, a statement with respect to a transaction involving United States exports to Morocco; to the Committee on Banking, Housing, and Urban Affairs.

EC-1184. A communication from the president and chairman of the Export-Import Bank, transmitting, pursuant to law, a statement with respect to a transaction involving United States exports to Japan; to the Committee on Banking, Housing, and Urban Affairs.

EC-1185. A communication from the president and chairman of the Export-Import Bank, transmitting a draft of proposed legislation to amend the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Housing, and Urban Affairs.

EC-1186. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the 1994 annual report of the Government National Mortgage Association; to the Committee on Banking, Housing, and Urban Affairs.

EC-1187. A communication from the director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within 5 days of enactment; to the Committee on the Budget.

EC-1188. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report required under the Antarctic Marine Living Resources Convention Act of 1984; to the Committee on Commerce, Science, and Transportation.

EC-1189. A communication from the Acting Assistant Secretary of the Interior, Territorial and International Affairs, transmitting a draft of proposed legislation to amend the Magnuson Fishery and Conservation Management Act; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ABRAHAM (for himself, Mr. DOLE, Mr. BROWN, Mr. HATCH, Mr. DEWINE, Mr. KYL, and Mr. KEMP-THORNE):

S. 1039. A bill to require Congress to specify the source of authority under the U.S. Constitution for the enactment of laws, and for other purposes; to the Committee on the Judiciary.

By Mr. GORTON:

S. 1040. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Onrust*; to the Committee on Commerce, Science, and Transportation.

S. 1041. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Explorer*; to the Committee on Commerce, Science, and Transportation.

By Mr. MACK:

S. 1042. A bill to designate a route as the "POW/MIA Memorial Highway," and for other purposes; to the Committee on Environment and Public Works.

By Mr. STEVENS (for himself, Mr. INOUE, Mr. MURKOWSKI, Mr. SIMON, Mr. INHOFE, Mr. DODD, Mr. SIMPSON, Mr. AKAKA, Mr. SANTORUM, and Mrs. FEINSTEIN):

S. 1043. A bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. KASSEBAUM (for herself, Mr. KENNEDY, Mr. JEFFORDS, Mr. PELL, and Mr. SIMON):

S. 1044. A bill to amend title III of the Public Health Service Act to consolidate and reauthorize provisions relating to health centers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ABRAHAM (for himself and Mr. COATS):

S. 1045. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965, the Museum Services Act, and the Arts and Artifacts Indemnity Act to privatize the National Foundation on the Arts and the Humanities and to transfer certain related functions, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MACK (for himself and Mr. LIEBERMAN):

S. Res. 151. A resolution to designate May 14, 1996, and May 14, 1997, as "National Speak No Evil Day", and for other purposes; to the Committee on the Judiciary.

By Mr. ABRAHAM (for himself, Mr. DOLE, Mr. BROWN, Mr. HATCH, Mr. DEWINE, Mr. KYL, and Mr. KEMPTHORNE):

S. Res. 152. A resolution to amend the Standing Rules of the Senate to require a clause in each bill and resolution to specify the constitutional authority of the Congress for enactment, and for other purposes; to the Committee on Rules and Administration.

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 153. A resolution to make certain technical corrections to Senate Resolution 120; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ABRAHAM (for himself, Mr. DOLE, Mr. BROWN, Mr. HATCH, Mr. DEWINE, Mr. KYL, and Mr. KEMPTHORNE):

S. 1039. A bill to require Congress to specify the source of authority under the U.S. Constitution for the enactment of laws, and for other purposes; to the Committee on the Judiciary.

LEGISLATION REQUIRING SPECIFICATION OF CONSTITUTIONAL AUTHORITY

Mr. ABRAHAM. Mr. President, I rise today to introduce two pieces of legislation. One is a bill and the other is a resolution. The effect of each is to require that every law that passes through this Chamber explicitly state the constitutional authority pursuant to which it is being enacted.

I believe this requirement will help this body by giving us occasion to pause and reflect on whether the legislation we are considering is in fact within the province of the national government.

It will also help the American people evaluate our work, keeping in mind the question of constitutionality as well as the immediate policy questions presented by the bill.

And it may discourage us, at least at the margin, from adopting legislation outside our proper sphere of authority and responsibility.

All these factors would enhance our citizenry's freedom and make it easier for them to exercise their self-governing authority at the State and local level—the level closest to the people.

Mr. President, it has become commonplace to observe that the elections of 1994 showed the voters' frustration with big government. It seems clear to me that the American people feel that the Federal Government is interfering too much in their lives.

Whether through costly and ineffective Federal programs fraught with micro-managing mandates, business regulations that increase prices and cost jobs, environmental controls that forbid farmers to use their own land in a reasonable fashion, or workplace rules that forbid workers from saving fellow workers from danger, the people have had enough of Washington-knows-best programs.

And I believe the people are right to be concerned about a government that considers everything in life to be a proper subject for Federal legislation. We are in danger in this country of instituting a kind of soft despotism that will crush our democratic liberty under the weight of well-intentioned but overzealous regulations and programs. Intended to serve the people, these laws may enslave them by taking away too much of their natural freedom of action.

That is not the National Government that our Framers envisioned. Clearly there are areas where the Federal Government should intervene to protect people's health, safety and rights. But there must likewise be areas in which the Federal Government cannot intervene in regulating the peoples' lives.

The Framers of our Constitution believed they had devised a system that would separate these areas from each other. They thought that one of the powerful limitations on the National Government would be the principle that the Congress could exercise only the limited, enumerated powers granted it by the people and set out in the Constitution.

That principle was made clear in the original Constitution, which gave Congress not general legislative authority but only "all legislative powers herein granted." And it was emphasized by the adoption of the 10th amendment in the Bill of Rights, which states that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Until this last term the Supreme Court for decades had not struck down a law as outside Congress's powers. As a result many people claimed that the principle that Congress has only limited enumerated powers is a dead letter. But our everyday experience shows otherwise. Everybody knows that we do not turn to the National Government for help with most problems in our everyday lives. We turn to family members, friends, doctors, community or volunteer organizations, and churches; or to local government officials, such as school teachers, police men and women, and others.

The 1994 congressional elections were in large measure about the size of government. And in my view, Mr. President, those elections made one thing very clear: The belief that our National Government should have only limited powers remains alive in the hearts of the people.

The most important efforts of this Congress have been undertaken to respond to the people's demand for prompt and serious action to return the National Government to its proper functions.

The budget that we have been debating for the past few days is the first in many years to take that responsibility very seriously.

The regulatory reform legislation currently on the floor is similarly an effort to impose reasonable and meaningful restrictions on the interventions of regulatory bureaucracies in our lives.

The proposals to abolish Cabinet Departments will likewise get the National Government out of areas where it does not belong.

It is in this context that we should consider the Supreme Court's decision a few months ago in United States versus Lopez and the rather modest legislative proposals I am introducing today. In Lopez, the Supreme Court for the first time in 60 years struck down an act of Congress as exceeding the powers granted it in the Constitution. The Court ruled that a Federal law about guns in schools was beyond Congress' powers because its connection to commerce was too remote.

Now I think there are few higher priorities than reversing the accelerating decline of our schools into armed camps. But, not surprisingly, so do the States, which is why almost all of them already have laws addressing this problem.